

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

Natalia Rose Nevin,

Chapter 7

Debtor.

Bankruptcy No. 21-41171

**NOTICE OF HEARING AND MOTION
FOR ORDER AUTHORIZING RULE 2004 EXAMINATION**

To: The debtor and other entities specified in Local Rule 9013-3.

1. The United States Trustee (“UST”), through his undersigned attorney, Colin Kreuziger, gives notice of hearing and hereby moves the Court for authorization to conduct an examination pursuant to Fed. R. Bankr. P. 2004. The UST seeks authorization to examine Natalia Rose Nevin and Kevin Mark Nevin.
2. A hearing will be held at 10:00 a.m. on Wednesday, December 8, 2021, before the United States Bankruptcy Court, Courtroom 8 West, 300 South 4th Street, Minneapolis, Minnesota 55415.
3. Any response to this motion must be filed and delivered not later than Friday, December 3, 2021, which is five days before the time set for the hearing. UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.
4. This case was commenced by the filing of a voluntary petition under Chapter 7 on June 29, 2021. The case is currently pending in this Court. This Court has jurisdiction over this motion pursuant to 28 U.S.C. §§ 157 and 1334, Bankruptcy Rule 5005 and Local Rule 1070-1. This proceeding is a core proceeding. This motion arises under Fed. R. Bankr.

P. 2004.

5. The UST is reviewing the debtor's financial circumstances to confirm whether the debtor accurately disclosed her assets, liabilities, income, and pre-petition transfers on her bankruptcy petition, schedules, and statement of financial affairs. The debtor has provided a number of documents responsive to the UST's informal discovery requests.
6. Upon information and belief, the debtor was formerly employed by her father, Kevin Mark Nevin, as an investment broker. The debtor's financial records show that she transferred \$54,300 to Financial & Investment Advisors, Inc. between June 16, 2020 and her bankruptcy filing. On information and belief, Mr. Nevin controlled Financial & Investment Advisors, Inc. The UST seeks to question Mr. Nevin and Ms. Nevin about these transactions and their business dealings.

WHEREFORE, the United States Trustee requests that the Court enter an order approving the examination, pursuant to Fed. R. Bankr. P. 2004, of Natalia Rose Nevin and Kevin Mark Nevin.

Dated: November 22, 2021

JAMES L. SNYDER
ACTING UNITED STATES TRUSTEE
REGION 12

/e/ Colin Kreuziger
Colin Kreuziger
Trial Attorney
MN Atty No. 0386834
Office of U.S. Trustee
1015 U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415
(612) 334-1350

VERIFICATION

I, Colin Kreuziger, trial attorney for the United States Trustee, the movant named in the foregoing motion, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information, and belief.

Executed on November 22, 2021

/e/ Colin Kreuziger
Colin Kreuziger
Trial Attorney
MN Atty No. 0386834
Office of U.S. Trustee
1015 U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415
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MEMORANDUM OF LAW

The facts are as stated in the attached motion. Fed. R. Bankr. P. 2004(a) provides: “On motion of any party in interest, the court may order the examination of any entity.” The Rule continues: The examination of an entity under this rule . . . may relate only to the acts, conduct, or property or to the liabilities and financial condition of the debtor, or to any matter which may affect the administration of the debtor’s estate, or to the debtor’s right to a discharge.” Fed. R. Bankr. P. 2004(b). As stated above, the United States Trustee believes that a Rule 2004 examination of the debtor and Kevin Mark Nevin is appropriate in this matter to obtain information regarding the debtor’s financial affairs. Both Mr. Nevin and the debtor have information about the debtor’s financial affairs. Accordingly, the Court should grant the motion for order authorizing Rule 2004 examination.

Dated: November 22, 2021

JAMES L. SNYDER
ACTING UNITED STATES TRUSTEE
REGION 12

/e/ Colin Kreuziger
Colin Kreuziger
Trial Attorney
MN Atty No. 0386834
Office of U.S. Trustee
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UNSWORN CERTIFICATE OF SERVICE

The undersigned states under penalty of perjury that on November 22, 2021, he electronically filed the Notice of Motion and Motion for Order Authorizing Rule 2004 Examination, Verification, Memorandum of Law, and proposed Order, thereby generating electronic service upon all entities registered as CM/ECF users in this case. He also arranged for service of the following individuals or entities by first class mail postage prepaid to the addresses listed below:

Addressee(s):

Natalia Rose Nevin
817 West 57th Street
Minneapolis, MN 55419

Kevin Mark Nevin
500 E Grant Street
#408
Minneapolis, MN 55404

Kevin Mark Nevin
5201 Eden Avenue, Suite 300
Minneapolis, MN 55436

Dated: November 22, 2021

/e/ Colin Kreuziger
Colin Kreuziger
Office of the United States Trustee

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ORDER

The United States Trustee's Notice of Hearing and Motion for Order Authorizing Rule 2004 Examination came before the Court. Upon the motion, and upon any additional record made,

IT IS ORDERED:

1. Counsel for the United States Trustee is authorized to examine Natalia Rose Nevin.
2. Counsel for the United States Trustee is authorized to examine Kevin Mark Nevin.
3. To give notice of the date and time of the examination, and to compel the attendance of the examinee and/or the production of documents in connection with the examination, counsel for the United States Trustee shall comply with Fed. R. Bankr. P. 2004.

Dated:

Kathleen H. Sanberg
United States Bankruptcy Judge